

## **REMARKS**

Claims 1-37 are pending in the present application. New claims 38-42 are added by amendment. Reconsideration of all claims is requested in light of the arguments presented below.

### **Claim Rejections under 35 USC 102**

Claims 1-37 are rejected under 35 USC 102(a) as being anticipated by Applicant Admitted Prior Art (AAPA). With respect to claim 1 the Office Action appears to equate zones of AAPA with planes of claim 1. "AAPA discloses a method of storing data in a memory array that includes a plurality of individually erasable erase blocks arranged in separately programmable planes [cells are grouped into two or more zones (page 4, paragraph 0010)]," Office Action, page 2, lines 13-16. To the extent that zones are considered as planes, the rejection is not understood. In particular, claim 1 recites "selecting a number of erase blocks from different planes of the array to form an adaptive metablock ... and programming the erase blocks in the adaptive metablock in parallel." The AAPA does not appear to teach selecting a number of erase blocks from different zones and programming them in parallel. Therefore, clarification of this point is requested. Specifically, it is requested that any future rejection identify a particular portion of AAPA that indicates selection of erase blocks from different zones for parallel programming.

In addition, claim 1 recites, "the number of erase blocks in the adaptive metablock selected from a range of possible values." No such selection appears to be disclosed by AAPA. In particular, AAPA states "each metablock is defined to include one erase block from each plane," page 5, paragraph [0011]. The number of erase blocks in such a metablock appears to be established by the number of planes in the memory array and is thus fixed. Thus, the number of erase blocks in such an erase block is predetermined and is not selected from a range of possible values. Because these features of claim 1 have not been shown, claim 1 is submitted to be allowable.

Claim 5 was rejected on the same grounds as used to reject claim 1. Claim 5 recites, "an individual plane being chosen according to the number of available erase blocks in the plane." No such criteria for choosing planes appear to be identified by the Office Action. Because the

Office Action has not shown this feature, anticipation has not been shown and therefore claim 5 is submitted to be additionally allowable.

Claim 2 recites, “the range of possible values is from one to the number of separately programmable planes in the memory array.” The Office Action cited a metablock having one erase block from each plane, “metablock is defined to include one erase block from each plane,” Office Action page 3, lines 4-5, citing AAPA. This appears to disclose a single value, not a range of values. In particular, no value less than the number of separately programmable planes in the memory is disclosed. Because this additional claim element has not been shown, claim 2 is submitted to be additionally allowable.

Claim 3 recites, “programming the erase blocks in the adaptive metablock in parallel takes place in parallel with programming a plurality of erase blocks that are not in the adaptive metablock.” Paragraph [0009] of AAPA was cited as showing these features. However, paragraph [0009] does not appear to disclose parallel programming of a selected number of erase blocks of an adaptive metablock in parallel with other erase blocks that are not in the adaptive metablock. Thus, claim 3 is submitted to be additionally allowable.

Claim 4 recites, “the plurality of erase blocks that are not in the adaptive metablock are in another metablock.” No such other metablock appears to be disclosed by paragraph 0009. Therefore, claim 4 is submitted to be additionally allowable.


Claim 6 is amended for clarification. Claim 6 recites, “a logical group is programmed to an adaptive metablock such that each of the erase blocks in the adaptive metablock contains at least one addressable unit of data from the logical group.” The Office Action cited “grouping into zones (page 4, paragraph [0010]),” page 3, line 16, as showing these features. However, it is not clear how zones correspond to the claimed features. In particular, it is not clear how zones indicate the distribution of data of claim 6. Clarification is requested.

Claims 7-37 were rejected for the same reasons as given with respect to claims 1-6. The Office Action stated, “claims 7-37 encompass the same scope of the invention as those of claims 1-7,” page 3, lines 17-18. Insofar as claims 7-37 encompass the same scope as claims 1-6, such claims are submitted to be similarly allowable. Insofar as claims 7-37 recite additional limitations, anticipation has not been shown with respect to these claims and therefore such claims are submitted to be allowable.

### CONCLUSION

In view of the amendments and remarks contained herein, it is believed that all claims are in condition for allowance and an indication of their allowance is requested. However, if the Examiner is aware of any additional matters that should be discussed, a call to the undersigned attorney at: (415) 318-1160 would be appreciated.

Respectfully submitted,



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